

Document: Proposed Rule

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**TITLE 460 DIVISION OF DISABILITY, AGING, AND
REHABILITATIVE SERVICES**

Proposed Rule
LSA Document #00-286

DIGEST

Adds 460 IAC 1-3.6 concerning the residential care assistance program eligibility requirements. Effective 30 days after filing with the secretary of state.

460 IAC 1-3.6

SECTION 1. 460 IAC 1-3.6 IS ADDED TO READ AS FOLLOWS:

Rule 3.6. Residential Care Assistance Program

460 IAC 1-3.6-1 Definitions

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6

Affected: IC 12-10-6; IC 12-30; IC 16-28

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "County home" means a residential facility owned, staffed, maintained, and operated by a county government that provides residential care to individuals.

(c) "County office" means the county office of family and children.

(d) "Division" means the division of disability, aging, and rehabilitative services.

(e) "Residential care" provided in a county home is nonmedical assistance provided to a resident. Residential care provided in a residential home is room, board, and laundry, along with minimal administrative direction.

(f) "Residential care assistance" means state financial assistance through the division paid on behalf of a resident of a county home or residential home who has been found to be eligible for assistance.

(g) "Residential home" means a residential care setting licensed under IC 16-28 or an accredited Christian Science facility listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc. that meets certain life safety standards considered necessary by the state fire marshal. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.6-1*)

460 IAC 1-3.6-2 Eligibility for assistance for county home residents

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6

Affected: IC 12-10-6; IC 12-30

Sec. 2. (a) An individual is eligible for residential care assistance in a county home if the individual:

(1) is at least sixty-five (65) years of age, blind, or disabled;

(2) is a resident of a county home; and

(3) would be eligible for federal Supplemental Security Income assistance except for the fact that the individual is residing in a county home.

(b) An individual will be determined to be eligible for federal Supplemental Security Income assistance if the individual does any of the following:

- (1) Presents verification that the individual is currently receiving federal Supplemental Security Income benefits.**
- (2) Presents verification that the individual is currently receiving Medicaid benefits.**
- (3) It is determined by the county office that the individual is eligible for federal Supplemental Security Income benefits.**

An individual shall be determined to be eligible for federal Supplemental Security Income benefits if the individual:

- (A) has a disability that meets the definition of disability contained in 42 U.S.C. 1382c(a)(3)(A) and 42. U.S.C. 1382c(a)(3)(B); and**
- (B) is financially eligible for federal Supplemental Security Income benefits.**

(c) An individual who is disabled because of mental illness may be admitted to a county home only to the extent that money is available for the individual's care. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.6-2*)

460 IAC 1-3.6-3 Eligibility for assistance in a residential home

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6

Affected: IC 12-10-6

Sec. 3. (a) An individual is eligible for residential care assistance in a residential home if the individual:

- (1) is a current recipient of Medicaid or federal Supplemental Security Income benefits; and**
- (2) can be adequately cared for in a residential care setting.**

(b) An individual will be determined to be able to be adequately cared for in a residential home if an individual is admitted to or cared for in a residential home.

(c) An individual diagnosed with mental retardation may not be admitted to a residential home.

(d) An individual who is disabled because of mental illness may be admitted to a residential home only to the extent that money is available for the individual's care. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.6-3*)

460 IAC 1-3.6-4 Continuing financial eligibility

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6

Affected: IC 12-10-6; IC 12-30

Sec. 4. An individual who is receiving residential care assistance and has an increase in income that would render the individual ineligible for residential care assistance may elect to continue to be eligible for residential care assistance by paying the excess income to the county home or residential home that provides residential care to the individual. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.6-4*)

460 IAC 1-3.6-5 Annual review

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6

Affected: IC 12-10-6; IC 12-30

Sec. 5. Eligibility for residential care assistance shall be redetermined by the county office on an annual basis, upon a change in the eligible individual's status as a recipient of Medicaid or federal Supplemental Security Income benefits, or upon a change in the medical status of a resident of a county home that would render the resident ineligible for federal Supplemental Security Income benefits. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.6-5*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on August 27, 2001 at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Room W451 Conference Room A, Indianapolis, Indiana the Division of Disability, Aging, and Rehabilitative Services will hold a public hearing on a proposed new rule concerning residential care assistance program eligibility requirements.

If an accommodation is required to allow an individual with a disability to participate in this meeting, please contact Kevin Wild at (317) 233-2582 at least 48 hours prior to the meeting.

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W451 and

Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Karen Davis
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Division of Disability, Aging, and Rehabilitative Services